

ORIGINAL

In the United States Court of Federal Claims

No. 14-925C

(Filed November 25, 2014)

NOT FOR PUBLICATION

FILED

NOV 25 2014

U.S. COURT OF
FEDERAL CLAIMS

JOHN DAVID McBRIDE,

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Plaintiff,

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v.

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THE UNITED STATES,

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Defendant.

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ORDER

Before the court is plaintiff's October 15, 2014 motion to proceed *in forma pauperis*. Under the Prison Litigation Reform Act,

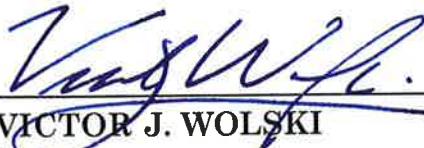
in no event shall a prisoner bring a civil action . . . [*in forma pauperis*] . . . if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). The Court takes notice that at least three of Mr. McBride's former cases were dismissed for failing to state a claim: *McBride v. Virginia Penal Sys.*, No. 03-690 (E.D. Va. July 9, 2004); *McBride v. Commonwealth's Attorney's Office*, 03-172 (E.D. Va. July 2, 2003); and *McBride v. Dotson*, 03-71 (E.D. Va. Aug. 25, 2003). Further, two prior decisions have denied Mr. McBride leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g). See *McBride v. Virginia State Bar*, No. 08-733 (E.D. Va. Nov. 25, 2008); *McBride v. Hinkle*, No. 11-169 (E.D. Va. May 11, 2011).

Plaintiff has not alleged any facts that suggest he is in imminent danger of serious physical injury. Accordingly, Mr. McBride's request to proceed *in forma pauperis* is **DENIED**. If Mr. McBride wishes to maintain an action in our court, he

must submit the full filing fee of \$400 so that it is received by the Clerk's Office on or by December 23, 2014.

IT IS SO ORDERED.



VICTOR J. WOLSKI
Judge